



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/607,748   | 06/27/2003  | Moshe Konstantin     | 78900 (5527)        | 7579             |
| 22242  | 7590        | 05/05/2006           | EXAMINER            |                  |
| FITCH EVEN TABIN AND FLANNERY<br>120 SOUTH LA SALLE STREET<br>SUITE 1600<br>CHICAGO, IL 60603-3406 |             |                      | A, PHI DIEU TRAN    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3637                |                  |

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/607,748             | KONSTANTIN, MOSHE   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Phi D. A               | 3637                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) 13,16-24,26-28,31-43 and 47-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12,14,15,25,29,30,44-46,73 and 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. Applicant's election of figure 1 to claims 1-12, 14, 15, 17,25,29,30,44,45,46,73,74 in the reply filed on 1/23/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 13,16,18-24,26-28,31-43,47-72 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/23/06.
3. However, upon examination, claim 17 is claimed as depended on claim 16, which is non-elected, and to another specie of figure 3A. Claim 17 is hereby also withdrawn from consideration.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 13, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin (6164024).

Konstantin figures 12-13 shows a glazing panel system comprising a first glazing panel (left) of plastic), an upstanding seam flange on one end of the glazing panel and being joined at its lower end to the first glazing panel, a first end on the first glazing panel, a second glazing

Art Unit: 3637

panel (right panel) of plastic, a first end on the second glazing panel, an upstanding seam flange (14) joined at its lower end to the first end of the second glazing panel, a retention clip (66) being disposed between adjacent first ends of the first and second glazing panels and being adjacent their respective upstanding seam flanges, an internal connector (62a) connected to the glazing panels to assist retention of the glazing panels against separation under high negative loads, a second covering connector (70) covering the internal connector and the upstanding seams and connected to the glazing panels, the internal and external connectors (62a, 70) being inverted U-channels in shape, the glazing panels having first and second spaced tooth surfaces thereon (respectively), the internal and external connectors have toothed surfaces thereon (the tooth surface at tip of 72, and the surface of part 42), the internal and external connectors (71, 66) are flexible to expand over the tooth surfaces and then to contract to interlock with the tooth surfaces on the glazing panels, the toothed surfaces being spaced from one another in a horizontal direction, the internal connector being less flexible than the flexible external connector with respect to retaining the glazing panels together under high negative loads applied to the glazing panels, the external connector having a tighter engagement with the glazing panels to provide waterproof seams covering between adjacent panels than a looser engagement by the internal connector with the upstanding seam flanges (inherently so as the tooth of the external connector engaging multiple surface areas), the internal connector (62a, 62b) having a predetermined tolerance with respect to the upstanding seam to allow expansion of the seam flange at higher temperatures, the external connector is more flexible than internal connectors to allow expansion of the seam flanges with flexing of the connector, the retention clip engages the seam flanges at a position below the top ends of the upstanding seam flanges.

Konstantin does not show the panel being plastic, or polycarbonate plastic.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Konstantin's structure to show the panel being plastic, polycarbonate plastic because plastic, glass, and transparent composite material including polycarbonate plastic are well known material for forming light transmitting architectural panels.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin in view of Bezner.

Konstantin as modified shows all the claimed limitations except for each of the panel having a pair of spaced upstanding seam portions, the internal connector is an inverted channel having depending legs positioned between the upstanding seam portions.

Bezner shows a pair of inner and outer flanges (10, 12, respectively) of an end of each panel.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Konstantin's modified structure to show each of the panel having a pair of spaced upstanding seam portions, the internal connector is an inverted channel having depending legs positioned between the upstanding seam portions because having a pair of inner and outer flanges of an end of each panel would allow for the secured fastening of the panels together and covering of the panels as taught by Bezner.

Konstantin as modified shows the internal connector is an inverted channel having depending legs positioned between the upstanding seam portions.

7. Claims 14-15, 25, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin (6164024) in view of Bezner (4998395).

Konstantin (figure 4) shows a glazing panel system comprising a first glazing panel (left) of plastic, an upstanding seam flange on one end of the glazing panel and being joined at its lower end to the first glazing panel, a first end on the first glazing panel, a second glazing panel (right panel) of plastic, a first end on the second glazing panel, an upstanding seam flange (14) joined at its lower end to the first end of the second glazing panel, a retention clip (18) being disposed between adjacent first ends of the first and second glazing panels and being adjacent their respective upstanding seam flanges, a base (48) on the retention clip for being secured to a support member for the glazing channel, a web portion (44) on the clip extending upwardly from the clip base and extending between the adjacent first ends of the first and second glazing panels, a seam covering member (22) covering a seam between adjacent seam flanges and a portion (46) on the clip extending transversely from the clip web and spaced upwardly of the clip base and engaging the inner seam flanges of the first and second glazing panels, an internal connector (42) connected to the seam flanges and covered by the inner seam covering member (22), the clip being of extruded metal, the clip being formed of a bent piece of sheet metal.

Konstantin does not show a pair of inner and outer flanges of an end of each panel, the portion being at a location lower than upper ends of the outer upstanding seam flanges.

Bezner shows a pair of inner and outer flanges (10, 12, respectively) of an end of each panel.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Konstantin's structure to show a pair of inner and outer flanges of an end of each panel, the portion being at a location lower than upper ends of the outer upstanding seam flanges because having a pair of inner and outer flanges of an end of each panel would allow for

Art Unit: 3637

the secured fastening of the panels together and covering of the panels as taught by Bezner, and having the portion being at a location lower than upper ends of the outer upstanding seam flanges would allow for the proper spacing and mounting of the clip without having to resort to tight manufacturing tolerance.

8. Claims 44-46, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezner (4998395).

Bezner shows an extruded modular light transmitting architectural panel comprising two outer major surfaces located on opposite sides of the panels, a first end (figure 4) on the panel, a pair of inner and outer upstanding seam flanges at the first end of the glazing panels, clip engaging portions on the panel, first interlocks on the upstanding inner seam flanges, second interlocks on the upstanding outer seam flanges (the parts which engage parts 22 of figure 5), the first and second interlocks comprising stepped surfaces on each of the upstanding seam flanges positioned at spaced locations to interlock with steps surfaces of the first and second connector, the stepped surface being positioned at horizontal spaced locations relative to an adjacent end of the glazing panel.

Bezner does not show the panel being plastic, polycarbonate plastic.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bezner's structure to show the panel being plastic, polycarbonate plastic because plastic, glass, and transparent composite material including polycarbonate plastic are well known material for forming light transmitting architectural panels.

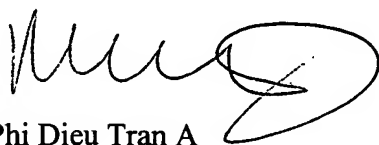
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different panel assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

4/3/06